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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00868 CW
	)	
Plaintiff,	)	
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING AND TO EXCLUDE TIME
	)	UNDER THE SPEEDY TRIAL ACT
AGUSTIN ORDAZ,	)	
a/k/a "Augustin Ordaz-Villagomez,"	)	
	)	Date: September 22, 2010
Defendant.	)	Time: 10:00 a.m.
	)	Court: Hon. Laurel Beeler

The above-captioned matter is set on September 22, 2010 before this Court for status or change of plea. The parties jointly request that this Court vacate that date and continue the matter for status or change of plea on October 7, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between September 22, 2010 and October 7, 2010.

Counsel for Defendant Agustin Ordaz has asked for additional time to review discovery, to investigate a prior methamphetamine related conviction sustained by the Defendant, and to research potential immigration consequences of a guilty plea. These issues are central to the parties' anticipated pre-trial resolution of the matter. Additionally, counsel for Defendant is commuting from Fresno to meet with Defendant to discuss these issues. Accordingly, counsel

STIP. REQ. AND ~~PROPOSED~~ ORDER  
TO CONTINUE HEARING & TO EXCLUDE TIME  
No. CR-09-00868 CW

1 for Defendant requires additional time to review discovery, to investigate, and to prepare the  
2 case for further disposition.

3 For those reasons, the parties jointly request that the Court continue the matter and  
4 exclude time between September 22, 2010 and October 7, 2010 under the Speedy Trial Act for  
5 reasonable time necessary for counsel to effectively prepare, pursuant to 18 U.S.C. §  
6 3161(h)(8)(B)(iv). The parties agree that failing to exclude the time between September 22,  
7 2010 and October 7, 2010 would unreasonably deny the defendant continuity of counsel and  
8 would deny counsel the reasonable time necessary for effective preparation, taking into account  
9 the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served  
10 by excluding the time from computation under the Speedy Trial Act outweigh the best interests  
11 of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A).

12  
13 DATED: September 20, 2010

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15  
16 /s/  
WADE M. RHYNE  
Assistant United States Attorney

17 /s/  
NICHOLAS REYES  
Counsel for Defendant

UNITED STATES OF AMERICA,	)	No. CR 09-00868 CW
	)	
Plaintiff,	)	
	)	
v.	)	<del>[PROPOSED]</del> ORDER GRANTING
	)	STIPULATED REQUEST TO CONTINUE
AGUSTIN ORDAZ,	)	HEARING AND TO EXCLUDE TIME
a/k/a “Augustin Ordaz-Villagomez,”	)	UNDER THE SPEEDY TRIAL ACT
	)	
Defendant.	)	Date: September 22, 2010
	)	Time: 10:00 a.m.
	)	Court: Hon. Laurel Beeler
	)	

For good cause shown, the Court finds that failing to exclude the time between September 22, 2010 and October 7, 2010 would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between September 22, 2010 and October 7, 2010 from computation under the Speedy Trial Act outweigh the best interests of the

STIP. REQ. AND ~~[PROPOSED]~~ ORDER  
TO CONTINUE HEARING & TO EXCLUDE TIME  
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1 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore, IT IS  
2 HEREBY ORDERED that the matter be continued to October 7, 2010 for status and that time  
3 between September 22, 2010 and October 7, 2010 shall be excluded from computation under the  
4 Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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6  
7 DATED: September 22, 2010

  
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LAUREL BEELER  
United States Magistrate Judge